S.B. Civil Writ Petition No.544/06
A.R. Meghwal Vs. State & Ors.

Date of Order : 29/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Virendra Lodha, for petitioner

Instant petition has been filed questioning the recommendations made by the DPC with regard to promotion to the post of Additional Director and during pendency, the final order has been in favour of respondent No.4 whereby he has been promoted on the recommendation of DPC as Additional Director [Industries] against the quota of 2003-04 vide order dt.29th March, 2006.

Application has been filed seeking amendment in the writ petition.

In my opinion, the order which the petitioner wants to assail by seeking amendment, is appealable under the provisions of Act, 1976 where he has been provided effective remedy for examining the dispute raised in the present writ petition.

Accordingly, the writ petition stands dismissed on availability of alternative remedy of appeal under the Act of 1976 to the petitioner for assailing order Ann.9. However, it is made clear that if appeal is preferred within 30 days from today, the same shall be treated to be within limitation and the Tribunal may proceed to decide the matter on merits. Consequently, stay petition No.491/06 and 2nd stay petition filed on 31/03/06 stand dismissed.

[Ajay Rastogi],J.

FRB